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Joshua Price Pluid (D-5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	A05-0108 CR (JWS)
)	
Plaintiff,)	
)	
vs.)	
)	
CARLOS LEE RAINEY, a/ka Carlos)	
Likee Dishon Johnson-Rainey, "C," and "CJ.:")	
SHANNON DAWN RAINEY, a/k/a Shannon)	
Hicks; D'ANDRE TOLBERT a/k/a "Dre;")	
DAMON STEVENS a/k/a "D'Mo;" RICHARD)	
JAMES McKINNON; JOSHUA PRICE PLUID;)	
KRISTA ANN CALLAN; ALEXANDER)	
BOOKER; ALREDO MARTINEZ a/k/a "Spike;")	
FRANCISO MARTINEZ, a/k/a "Money;" and)	DEFENDANT PLUID (D-5)
ISAT HERNANDEZ,)	RESPONSE RE:
)	ORDER RE: PREPARATION
Defendants.)	OF A SCHEDULING AND
)	<u>PLANNING ORDER</u>

Excludable delay under 18 U.S.C. 3161(H), delay attributable to a filing by defendant, may occur as a result of filing the present response to the court's order re preparation of a scheduling and planning order.

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Defendant Joshua Price Pluid (D-5) by and through undersigned counsel hereby files his response to the court's order regarding preparation of a scheduling and planning order, as follows.

Undersigned counsel (Scott Sterling) represents Mr. Pluid under the CJA.

1. Mr. Pluid endorses the suggestion that interim payments under the CJA be authorized with counsel to submit vouchers for interim payments for each preceding 90-day period not later than the 10th day of the month following that interval.

2. Mr. Pluid endorses acting jointly with other defendants to efficiently utilize centralized discovery, billing and investigative services to the extent practicable and to the extent consistent with the duty of each defense counsel to act zealously to represent the interests of his or her client. Interim payments for CJA-21 vendor services should be submitted every 30 days.

3. To date Mr. Pluid has received numerous CDs and a few DVDs and a fairly modest amount of paper discovery from the United States. The discovery pertinent to the wiretap activities of the United States and its operatives is yet to be fully disclosed/transcribed. The wiretap discovery potentially constitutes the greater portion of the total discovery production. Counsel estimates therefore that motion practice related to the wiretap activities will be complex and time-consuming.

4. Mr. Pluid endorses the concept of having a centralized administrative manager/paralegal be appointed under the CJA to physically retain custody of all discovery (in whatever form and in whatever quantity) in a centralized location under a centralized, shared index and list-serve, for ready access and inspection by defense counsel, expert witnesses, etc. That concept has been implemented in other large multi-defendant criminal cases before.

5. Mr. Pluid endorses the idea of utilizing a joint investigator or expert to the extent practicable and consistent with ethical duties of counsel.

6. The Government should bear the cost and burden of insuring that all transcripts are promptly and accurately produced, and identify all technical problems it and its operatives experienced in obtaining electronically/digitally recorded conversations or other tangible information.

7. Production of discovery to each defendant through his or her counsel is essential but waste may be avoided by creating a centralized repository of and for all transcripts, digitized matter etc.

8. Requiring the Government to use e-technology for modalizing transcripts and other lengthy or duplicative matter should be considered. Formatting all discovery in PDF form for Adobe 6.0 or greater will facilitate ease and lower the expense of production and review of discovery.

9. Mr. Pluid endorses the court's recommendation to utilize best-available fares for air travel. It is not known at this time what travel may be necessary for efficient preparation of Mr. Pluid's defense.

10. The service list is attached.

11. Mr. Pluid suggests that all dispositive motions be filed by April 15, 2006 leaving time open in the court's May calendar for any necessary evidentiary hearings. In order to effectuate that schedule it will be necessary for the United States to have completely produced all discovery not later than January 30, 2006. All non-dispositive motions should be file not later than April 1, 2006.

12. An index list of all documents by Bates number is highly desirable.

13. Mr. Pluid does not for himself or his needs require a translator.

14. Mr. Pluid recommends that the United States disclose all of its expert witness credentials, opinions and reports not later than February 15, 2006 and that the defendants produce all reciprocal expert witness matter not later than April 15, 2006.

15. Mr. Pluid endorses the court's recommendation for handling of payment of fees for discovery.

16. The use of a centralized repository is endorsed, see above.

17. Mr. Pluid takes no position concerning whether one or two trials should be held. Mr. Pluid reserves his right to seek a severance as to both offenses and co-defendants charged.

DATED this ____ day of _____, 2005 at _____, Alaska.

Sterling & DeArmond
Counsel for Defendant
Joshua Pluid (D-6)

By: _____
Scott A. Sterling

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by (United States Mail, first-class, postage prepaid)(fax)(delivery) on the ____ day of

_____, 2005 upon:

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